

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROSA MARIA CABRERA  
THOMPSON,

Plaintiff,

v.

MUKILTEO SCHOOL DISTRICT NO.  
6,

Defendant.

CASE NO. 2:25-cv-00529-JNW

ORDER GRANTING IN PART  
MOTION TO AMEND

This matter comes before the Court on pro se Plaintiff Rosa Maria Cabrera Thompson's Motion for Leave to File Second Amended Complaint. Dkt. No. 97. The Court, having reviewed the briefing, the proposed amended complaint, and the law, GRANTS IN PART, DENIES IN PART the motion as explained below.

Having already amended her complaint once as a matter of course, *see* Dkt. No. 46, Thompson "may amend [her] pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Because Defendant Mukilteo School District No. 6 ("the District") does not consent, Thompson seeks the Court's leave.

1 Under the Federal Rules, “[t]he court should freely give leave [to amend]  
2 when justice so requires.” *Id.* “The Supreme Court has stated that ‘this mandate is  
3 to be heeded.’” *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (quoting *Foman*  
4 *v. Davis*, 371 U.S. 178, 182 (1962)). Extreme liberality in granting leave to amend is  
5 especially appropriate with pro se plaintiffs, who are “[p]resumably unskilled in the  
6 law” and therefore “far more prone to making errors in pleading than the person  
7 who benefits from the representation of counsel.” *Id.* at 1131. However, “[w]hen  
8 considering a motion for leave to amend, a district court must consider whether the  
9 proposed amendment results from undue delay, is made in bad faith, will cause  
10 prejudice to the opposing party, or is a dilatory tactic.” *Chodos v. W. Publ’g Co.*, 292  
11 F.3d 992, 1003 (9th Cir. 2002). Likewise, “[a] district court does not err in denying  
12 leave to amend where the amendment would be futile . . . or where the amended  
13 complaint would be subject to dismissal.” *Saul v. United States*, 928 F.2d 829, 843  
14 (9th Cir. 1991).

15 Thompson seeks to amend her complaint to incorporate “new facts and  
16 evidence substantiating existing claims” and to add “six additional counts based on  
17 emerging legal theories[.]” Dkt. No. 97 at 1. Acknowledging the liberal standard  
18 under Rule 15(a)(2), the District, in large part, does not oppose Thompson’s motion  
19 for leave to amend—but with one exception: the District argues that “the Court  
20 [should] deny Plaintiff’s Motion to Amend with respect to Count XI” because  
21 “Plaintiff’s new Claim IX is futile and subject to dismissal because as a matter of  
22 law, the statutes she asserts give rise to this claim do not apply to the facts set forth  
23 in her Complaint.” Dkt. No. 102 at 3.

1 The District is right. Thompson's proposed Count XI asserts a claim against  
2 the District under RCW 49.48, RCW 49.52, and "Washington Common Law" for  
3 "Lost Wages & Benefits," arguing that the District's "failure to provide salary  
4 verification" to Thompson's prospective employers "as agreed in the Separation  
5 Agreement" led to loss of wage-earning opportunities. Dkt. No. 97-1 at 41–45. This  
6 claim is meritless. RCW 49.48 and RCW 49.52 make it unlawful for employers to  
7 withhold wages and other moneys owed to employees upon separation. Thompson  
8 makes no such allegation and even acknowledges that such withholding did not  
9 occur. Instead, she argues for a novel reading of these statutes to provide "broader  
10 statutory protections" against "wage-suppressing practices." *See id.* at 41. While  
11 these remedial statutes should indeed be interpreted liberally, Thompson's  
12 argument stretches them well beyond their breaking point. This claim fails as a  
13 matter of law, and its inclusion would be futile.

14 As such, the Court DENIES IN PART Thompson's motion for leave to amend  
15 with respect to Count XI and GRANTS IN PART the motion in all other respects. In  
16 accordance the Local Civil Rules, the Court DIRECTS Thompson to "file and serve  
17 the amended pleading on all parties within fourteen (14) days of the filing of [this]  
18 order." *See* LCR 15(a). Thompson's amended filing should be identical to her  
19 proposed complaint at Dkt. No. 97-1, but with Count XI and all references to Count  
20 XI deleted. Once Thompson has filed and served her amended pleading, the Court  
21 DIRECTS the District to file a responsive pleading within SIXTY (60) days.

1 IT IS SO ORDERED.

2 Dated this 24th day of July, 2025.

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4 Jamal N. Whitehead  
5 United States District Judge  
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